

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In re:

## Chapter 11

TOMPKINS WILLOUGHBY LLC,

Case No. 19-44729-nhl

Debtor.

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**ORDER TO SHOW CAUSE**

WHEREAS, on August 1, 2019, Tompkins Willoughby LLC (the “Debtor”) filed a voluntary petition (the “Petition”) for relief under chapter 11 of the Bankruptcy Code (the “Instant Case”); and

WHEREAS, Klar Leizer is the President of the Debtor; and

WHEREAS, the Petition lists Abraham Kappel, Esq. as the Debtor's counsel;

WHEREAS, on August 13, 2019, the Court entered an Order Scheduling Initial Case Management Conference for August 22, 2019 (the “Initial Case Management Order”) [ECF No. 10]; and

WHEREAS, on August 15, 2019, Kappel filed a Motion to Withdraw as Attorney for the Debtor and Proposed Order to Show Cause (the “Motion”) [ECF No. 11]; and

WHEREAS, in the Motion, Kappel states, under the penalty of perjury, that his signature appearing on the Petition was forged and that he did not file the Petition; and

WHEREAS, on August 22, 2019, the Court held a hearing (the “Hearing”) pursuant to the Initial Case Management Order, at which appeared Abraham Kappel, Gary Ravert (Counsel

to Albany Avenue Partners LLC), and Marylou Martin (Counsel to the U.S. Trustee), and there was no appearance by or on behalf of Leizer; and

WHEREAS, at the Hearing, Kappel gave testimony with respect to the alleged forgery of his signature and the Petition; and

WHEREAS, at the Hearing, the Court found Kappel's testimony to be credible and determined that Kappel had no obligation to represent the Debtor in the Instant Case because Kappel did not file the Petition; and

WHEREAS, at the Hearing, the Court reached Leizer by telephone, who stated that he would personally appear at 4:00 p.m. on August 22, 2019 at an adjourned hearing (the "Adjourned Hearing"); and

WHEREAS, at the Adjourned Hearing, Leizer did not appear; and

NOW, THEREFORE, upon the records of the Hearing and the Adjourned Hearing, which are incorporated herein by reference, it is hereby

**ORDERED**, that **the Debtor is directed to appear** before this Court on August 29, 2019 at 3:00 P.M. (the "August 29th Hearing") at the United States Bankruptcy Court for the Eastern District of New York, 271-C Cadman Plaza East, Courtroom 3577, Brooklyn, NY 11201 and show cause as to why the Instant Case should not be dismissed for failure to be represented by counsel as a corporate debtor; and it is further

**ORDERED**, that the Clerk of Court is directed to serve a copy of this Order, **via overnight mail**, upon the Debtor; and it is further

**ORDERED**, that the Clerk of Court is directed to serve a copy of this Order upon the Office of the United States Trustee.

**Dated: August 26, 2019**  
**Brooklyn, New York**



*Nancy Hershey Lord*  
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**Nancy Hershey Lord**  
**United States Bankruptcy Judge**